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EXAMINER
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ZOHN, NERRIE M

ART UNIT	PAPER NUMBER
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2164

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n No.

10/002,999

Applicant(s)

LEUNG ET AL.

Examiner

Nerrie M. Zohn

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-- The MAILING DATE of this communication appears on the reverse with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/2/01 &amp; 2/15/02</u> | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Please include into the title as much detail regarding the method disclosed as possible, including user and seller profiling, location awareness, and particularly any elements that distinguish this distribution methodology from the others cited.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims **10, and 13-15** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Evidence of lack of enablement is based upon paragraph 114 of the specification, which recites: "because derivation of a globally optimal consolidation algorithm is a difficult problem, a sub-optimal algorithm is given below". Applicant cannot claim an optimal algorithm while only disclosing or providing for the enablement of a sub-optimal algorithm. Applicant is required to replace the term "optimal" in claims

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10, 13, and 14, with "sub-optimal", an equivalent phrase representing the algorithm actually disclosed in the specification.

Claims 15 is rejected under 35 U.S.C. 112, first paragraph because its is dependent on rejected dependent claim 14.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims **2-4, 8-11, 17, 18, and 30-42** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 2 recites the limitation "wherein said plurality of sellers is one seller." This claim limitation is rejected as being contrary to claim 1, because a plurality means two or more. Examination with continue on the presumption that applicant intended to claim "at least one seller" in claim 1, instead of "a plurality of sellers." This "limitation" broadens claim 2 beyond the preceding limitations. Applicant is advised to cancel claim 2 and change claim 1 based on the above presumption.

7. Claim 3 recites the limitation "wherein said plurality of corresponding e-coupons available from said sellers is one e-coupon." This claim limitation is rejected because a plurality means two or more. This "limitation" broadens claim 3 beyond the preceding limitations of claim 1. Examination with continue on the presumption that applicant

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intended to claim "at least one e-coupon" in claim 1, instead of "a plurality of corresponding e-coupons." Applicant is advised to cancel claim 3 and change claim 1 based on the above presumption.

8. The term "separate database memories" in claim 4 is a relative term which renders the claim indefinite. The term " separate database memories " is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. "Separate database memories" can mean in separate databases, separate memory structures, or physically separate locations in memory. Examination will continue on the presumption that separate database memories means that the information does physically reside in the same location in memory.

9. Claims 8 and 18 refer to a calculation used to establish the *break-even point* for the transaction between the seller and the e-coupon distributor. ("[The] break-even point is defined as the point where sales or revenues equal expenses. There is no profit made or loss incurred at the break-even point. This figure is important for anyone that manages a business since the break-even point is the lower limit of profit when setting prices and determining margins"; <http://www.dealconsulting.com/finance/break.html>; The break-even point is a common financial term of art.) However, the calculation used is vague and indefinite due to its use of imprecise terminology. "Advertising fee" should read as "total advertising fee"; and "estimated number of redemptions" should read as "the

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decimal value of the percentage of estimated number of redeems.” Hence, the calculation then becomes:  $\text{total fee} / (\text{percentage of expected redemptions} * \text{profit})$ . Examination will continue on the presumption that applicant intends for claim 8 to calculate the *break-even point* for coupon distribution.

Claims 9-11 are rejected under 35 U.S.C. 112, second paragraph because they are dependent on rejected dependent claim 8.

10. Claim 17 objected to because of the following informalities: It appears that the words “is used” are missing in line 1, between “server” and “to”. Examination will continue of this presumption.

11. Claim 30 recites the term “request in set (ix)”. This term fails to refer to any step in the line of dependencies leading up to claim 30. Examination will proceed on the presumption that these steps occur at some point after the aggregate demand has been met and the system begins to distribute the coupons.

Claims 31-42 are rejected under 35 U.S.C. 112, second paragraph because they are dependent on rejected dependent claim 30.

12. Claim 34 recites the limitation “wherein upon determining said number of pending requests is not greater than nor equal to said initial threshold, said commerce server increases the estimated number of redeems in the seller profile,” it in this step applicant is referring to the use of consolidation steps to improve the chance of redeems such

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that when one seller becomes hopeless, then that seller is removed and the other sellers chances of coupon redemptions improves. Examination will continue on this presumption, however applicant is advised to make his claim more explicit, such that there is a distinction regarding whether applicant is referring to a single seller or two distinct sellers.

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**14. Claims 1, 4-6, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Awada et al. (U.S. Pre-Grant Publication No. 2002/0065713 A1)**

As to claim 1, Awada et al. teaches an e-coupon distribution method comprising:

maintaining mobile user profile and seller profile data in database memory (paragraph 0043; paragraph 0050; “seller profile” reads on “merchant data”);

receiving a request from a mobile electronic device of a user to browse at least one e-coupon (paragraph 0008; “browse at least on e-coupon” is read on “menu of service preferences”);

receiving location information for the requesting mobile electronic device (paragraph 0008; "receiving location information" is read on "users location");

determining a plurality of sellers local to the location of the mobile electronic device and a plurality of corresponding e-coupons available from said sellers (paragraph 0008; "a plurality of sellers local to the location of the mobile electronic device and a plurality of corresponding e-coupons" is read on "chosen based on selected preferences and user location");

sending e-coupon availability data to the mobile electronic device (paragraph 0051; "sending e-coupon availability" is read on "coupon choices are then presented to the user");

receiving a request for at least one e-coupon of a seller from the mobile electronic device;

authorizing the provision of said e-coupon (paragraph 0051); and sending said e-coupon to the mobile electronic device upon authorization (paragraph 0008 "sending" and "authorization" is read on "downloaded"- authorization of a coupon is presumed by the distribution of the-coupon; 0051 ).

As to claim 2, Awada et al. teaches wherein said plurality of sellers is one seller (see rejections under 112, 2<sup>nd</sup> paragraph)(paragraph 0008; shows at least one seller).

As to claim 3, Awada et al. teaches wherein said plurality of corresponding e-coupons available from said sellers is one e-coupon (see rejections under 112, 2<sup>nd</sup>



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paragraph)(paragraph 0008; shows at least one e-coupon).

As to claim 4, Awada et al. teaches wherein said mobile user profile and seller profile data are maintained in separate database memories (figure 6A; paragraph 0050; merchant profile data is kept in its own table; claims 6,7,12-14; "user preferences" is read on "user profile" – these claims provide various alternative locations for storage of user preference)

As to claim 5, Awada et al. wherein said authorization step occurs at the end of a processing cycle. (paragraph 0008 "authorization" is read on "downloaded"- authorization of a coupon is presumed by the distribution of the-coupon; 0051)

As to Claim 6, Awada et al. teaches further comprising:

receiving a notification that said mobile electronic device is located within said seller (figure 7, element 701; "receiving a notification" is read on "consumer notifies merchant");

receiving said seller location information; determining whether said e-coupon has been redeemed (figure 7; "whether said e-coupon has been redeemed" is read on "merchant verifies coupon"); and

upon determining said e-coupon has been redeemed, increasing a quota of e-coupons by one in the mobile user profile (figure 7; redeemed coupon database is updated; paragraph 0052; expired coupons are erased from the

limited mobile memory – thus freeing up memory in the device for more-coupons; paragraph 0040; Alternatively, “quota” is read on “features selected by the merchant” e.g. “limit 1 per subscriber”).

As to claim 16, Awada et al. teaches an e-coupon distribution system comprising:

- a memory for storing mobile user profile and seller profile data (Figure 2, Use of a computer implies memory for storage; paragraph 0038; paragraph 0040);

- a profile proxy server to receive a request to browse at least one e-coupon from a mobile electronic device of a user (paragraph 0008; “browse at least on e-coupon” is read on “menu of service preferences”);

- said profile proxy server to receive a location of the requesting mobile electronic device (paragraph 0041);

- said profile proxy server to determine a plurality of sellers local to the location of the mobile electronic device and a plurality of corresponding e-coupons available from said sellers (“paragraph 0008; “a plurality of sellers local to the location of the mobile electronic device and a plurality of corresponding e-coupons” is read on “chosen based on selected preferences and user location”);

- said profile proxy server to send e-coupon availability data to the mobile electronic device; said profile proxy server to receive a request for at least one e-coupon of a seller from the mobile electronic device (paragraph 0051; “sending

e-coupon availability" is read on "coupon choices are then presented to the user");

a commerce server to receive said request from said profile proxy server (paragraph 0048; Use of WAP to access the server which requires an additional server to communicate with the database server; "commerce server" is read on "database sever")

said commerce server to log said request in said mobile user profile and said seller profile (claim 15; "assigning the electronic coupons to the consumer profiles" read on "logging said request for the e-coupon in said user profile"; "subscribed to by the merchant" is read on "logging said request for the e-coupon in seller profile.");

at the end of a processing cycle, said commerce server to authorize the provision of said e-coupon; and said commerce server to send said e-coupon to the mobile electronic device responsive to said authorizing step (paragraph 0008 "sending" and "authorization" is read on "downloaded"- authorization of a coupon is presumed by the distribution of the-coupon; 0051).

***Claim Rejections - 35 USC § 103***

**15. Claims 7, 12, 21-32, 43, and 44 rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al. (U.S. Pre-Grant Publication No. 2002/0065713 A1) in view of Pallakoff (U.S. Patent No. 6,269,343 B1).**

As to claim 7, Awada et al. does not teach further comprising determining an initial threshold for said seller for authorizing the provision of said e-coupon.

However, Pallakoff teaches further comprising determining an initial threshold for said seller for authorizing the provision of said e-coupon (figure 4; “demand threshold” is read on “initial threshold”).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Awada et al. to include further comprising determining an initial threshold for said seller for authorizing the provision of said e-coupon.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Awada et al. by the teaching of Pallakoff because including further comprising determining an initial threshold for said seller for authorizing the provision of said e-coupon would allow the seller to communicate conditional offers to potential buyers depending on the aggregate demand to ensure a profit (Pallakoff – see abstract).

As to claim 12, Awada et al. teaches an e-coupon distribution method comprising:

(i) maintaining a mobile user profile and seller profile data in database memory (paragraph 0043; paragraph 0050; “seller profile” reads on “merchant data”);

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- (ii) receiving a request for at least one e-coupon from a mobile electronic device of a user (paragraph 0008; "browse at least on e-coupon" is read on "menu of service preferences");
- (iii) receiving location information for the requesting mobile electronic device (paragraph 0008; "receiving location information" is read on "users location");
- (iv) determining a seller local to the location of the mobile electronic device (paragraph 0008; "a plurality of sellers local to the location of the mobile electronic device and a plurality of corresponding e-coupons" is read on "chosen based on selected preferences and user location");

Awada et al. does not teach *elements (v), (vi) and (vii) of claim 12.*

However, Pallakoff teaches:

- (v) determining an initial threshold for the seller (figure 4; "demand threshold" is read on "initial threshold").;
- (vi) determining whether a number of pending requests for said e-coupon is greater than or equal to the initial threshold (figure 3, element 36); and
- (vii) when the number of pending requests for said e-coupon is greater than or equal to the initial threshold, sending said e-coupon to the mobile electronic device (figure 3, element 37).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Awada et al. to include *elements (v), (vi) and (vii) of claim 12.*

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Awada et al. by the teaching of Pallakoff because including *elements (v), (vi) and (vii) of claim 12* would allow the seller to communicate conditional offers to potential buyers depending on the aggregate demand to ensure a profit (Pallakoff , abstract).

As to claim 21, Awada et al. teaches wherein said seller profile data comprises: a seller identification (figure 6A, "MID"); a seller name (figure 6A); a seller address (figure 6A); a seller billing information (figure 6A, "billing address"); a seller instant contact address (figure 6A, "phone number"); a seller business type (figure 6A, MID); a type of e-coupon (0048; using preferences to target coupons presumes coupon types); an estimated number of redeems; and a number of pending redeems (paragraph 0055; "information concerning the redeemed coupon and updates a redeemed coupon database").

Awada et al. does not teach a seller profile additionally comprising: a number of pending requests;

Pallakoff teaches a seller profile additionally comprising: a number of pending requests (figure 3, element 35, "pending requests" is read on "Buying teams aggregate demand";

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Awada et al. to include a number of pending requests.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Awada et al. by the teaching of Pallakoff because including a number of pending requests would allow a seller to set a minimum number of coupons prior to coupon distribution and track the aggregate demand.

As to claim 22, Awada, as modified, teaches that the instant contact address is a phone number, an instant message address, an email address, or any other method by which the seller can be notified as soon as the e-coupon for the seller has been distributed (figure 6A).

As to claim 23, Awada, as modified, teaches that the seller business type is described by a set of keywords (paragraph 0048, “keywords” is read on “preferences relating to types of goods and/or services”; paragraph 0051; query to search the item/coupon table presumes a searchable system).

As to claim 24, Awada, as modified, teaches that the type of e-coupon comprises: a time condition defining when said e-coupon can be distributed; a range condition defining where said e-coupon can be distributed; and a profit margin defining how much profit the seller can make from a redeemed e-coupon. (figure 6A, paragraph 0040; “time condition, range condition and profit margin” is read on “features selected by the merchant”; paragraph 0052 describes conditions of expiration.)

As to claim 25, Awada, as modified, teaches a mobile user profile that comprises: a mobile user identification (paragraph 0008, "identification" is read on the mobile phone number); a mobile user instant contact address "identification" is read on the mobile phone number); a quota of e-coupons (0022; limited memory in a mobile device is a quota; paragraph 0040; limitation common on paper coupons, such as "1 per costumer");

Awada, as modified, does not teach a mobile user profile that further comprises: a number of effective requests.

Pallakoff teaches a number of effective requests (col. 2, line 33, Aggregate demand);

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Awada, as modified, to include a number of effective requests.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Awada, as modified by the teaching of Pallakoff because including a number of effective requests would allow a seller to set a minimum number of coupons prior to coupon distribution and track the aggregate demand(abstract)

As to claim 26, Awada, as modified, teaches that the instant contact address is a phone number, an instant message address, an email address, an SMS address, or any other method by which the user can be notified of said quota of e-coupons and an



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expected time to receive said e-coupon (paragraph 0008, "identification" is read on the mobile phone number; 0022; communication through WAP will require an identification such as described).

As to claim 27, Awada, as modified teaches a quota of e-coupons defines a maximum number of e-coupons said commerce server could send to said mobile user during a defined period (0040; limitation common on paper coupons, such as "1 per customer").

As to claim 28, Awada, as modified teaches further comprising said commerce server to receive the instant contact address of the mobile user (paragraph 0008, "identification" is read on the mobile phone number; 0022; communication through WAP will require an identification such as described) and the location of the mobile electronic device (paragraph 0045).

As to claim 29, Awada, as modified teaches further comprising: said profile proxy server to receive a notification that said mobile electronic device is located within said seller (paragraph 0041: triangulation; 0055; proxy server is read on "phone company server" – de facto notification of presence in store); said profile proxy server to receive said seller location information (figure 6A; merchant location coordinates); said commerce server to determine whether said e-coupon has been redeemed; and upon determining said e-coupon has been redeemed, said commerce server to

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increase the quota of e-coupons by one in the mobile user profile (figure 7; "increase quota" is read on "update a redeemed database").

As to claim 30, Awada, as modified, wherein said commerce server to log said request in step (ix) in said mobile user profile and said seller profile: creates a mobile user pending request record in the mobile user profile (paragraph 0008; logging the users request for coupons); decreases the quota of e-coupons in the mobile user profile by one (claim 23; logging application of coupons conditions and assigned to user profiles, e.g. one per customer); creates a seller pending request record in the seller profile (paragraph 0055; logging of the user purchase information); and increases an estimated number of redeems by a proper value in the seller profile (claim 23; logging application of coupons conditions and assigned to user profiles, e.g. one per customer).

As to claim 31, Awada, as modified, teaches wherein said mobile user pending request record contains a request time and the seller identification (paragraph 0008; logging the users request for coupons)

As to claim 32, Awada, as modified, teaches wherein said seller pending request record contains a request time and the mobile user identification (paragraph 0008; logging the users request for coupons).

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As to claim 43, Awada, as modified, teaches article of manufacture comprising: a computer usable medium having computer readable program code embodied therein for causing a distribution of e-coupons (Claim 24). All the further limitations of this claim have been taught in the above paragraphs. Applicant is kindly directed to the remarks and discussion made in claims 1, 5, and 12.

As to claim 44, Awada, as modified, teaches article of manufacture comprising: a computer usable medium having computer readable program code embodied therein for causing a distribution of e-coupons (Claim 24). All the further limitations of this claim have been taught in the above paragraphs. Applicant is kindly directed to the remarks and discussion made in claims 1, 5, and 12.

**16. Claim 8-11, 13-15, 17, 18, and 33-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al. (U.S. Pre-Grant Publication No. 2002/0065713 A1) in view of Pallakoff (U.S. Patent No. 6,269,343 B1) as applied to claims 7 and 17 above, and further in view of Deal ([www.dealconsulting.com/finance/break.html](http://www.dealconsulting.com/finance/break.html)).**

**17.**

As to claim 8 and 18, Awada as modified does not teach wherein said initial threshold is determined from dividing an advertising fee for said e-coupon by a product of an estimated number of redeems times a profit (calculating the break-even-point).

However, Deal teaches wherein said initial threshold is determined from dividing an advertising fee for said e-coupon by a product of an estimated number of redeems times a profit ("from dividing an advertising fee for said e-coupon by a product of an estimated number of redeems times a profit" is read on "break-even-point" – furthermore, Deal teaches that the break-even point is a basic concept to one of ordinary skill in the financial analysis art).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Awada, as modified, to include wherein said initial threshold is determined from dividing an advertising fee for said e-coupon by a product of an estimated number of redeems times a profit.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Awada, as modified, by the teaching of Deal because including wherein said initial threshold is determined from dividing an advertising fee for said e-coupon by a product of an estimated number of redeems times a profit would ensure that both the seller and the advertiser have the best chance to make a profit on the coupon distribution scheme.

As to claim 9 and 33, Awada, as modified, does not teach determining whether a number of pending requests for said e-coupon is greater than or equal to said initial threshold.

However, Pallakof teaches determining whether a number of pending requests for said e-coupon is greater than or equal to said initial threshold (figure 3, element 36).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Awada,as modified, to include determining whether a number of pending requests for said e-coupon is greater than or equal to said initial threshold.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Awada,as modified, by the teaching of Pallakof because including determining whether a number of pending requests for said e-coupon is greater than or equal to said initial threshold would ensure that both the seller and the advertiser have the best chance to make a profit on the coupon distribution scheme.

As to claim 10, Awada, as modified, does not teach providing said e-coupon to the mobile electronic device occurs upon determining said number of pending requests for said e-coupon is one of greater than or equal to said initial threshold and, after an optimal consolidation process is applied to all sellers with insufficient pending requests, is greater than or equal to an optimal threshold.

However, Pallakof teaches providing said e-coupon to the mobile electronic device occurs upon determining said number of pending requests for said e-coupon is one of greater than or equal to said initial threshold (figure 3; "billed" is read on "providing said e-coupon to mobile device"- transaction is completed) and, after an optimal consolidation process (see 112 1<sup>st</sup> rejections) is applied to all sellers with insufficient pending requests, is greater than or equal to an optimal threshold (Optimal

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consolidation is broken into two steps: (1) removing the purchase requests sellers with minimum requests (removing the seller that did not meet the break even point is figure 3, element 38) and (2) recalculating the "initial threshold ["estimated break even point"] for existing costumers. (All matching vendors remaining will continue with the cycle on figure 3 - applying the adjusted initial thresholds as other venders are removed).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Awada,as modified, to include providing said e-coupon to the mobile electronic device occurs upon determining said number of pending requests for said e-coupon is one of greater than or equal to said initial threshold and, after an optimal consolidation process is applied to all sellers with insufficient pending requests, is greater than or equal to an optimal threshold.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Awada,as modified, by the teaching of Pallakof because including providing said e-coupon to the mobile electronic device occurs upon determining said number of pending requests for said e-coupon is one of greater than or equal to said initial threshold and, after an optimal consolidation process is applied to all sellers with insufficient pending requests, is greater than or equal to an optimal threshold would ensure a maximum profit to the coupon distributor while still allowing the sellers to break even.

As to claim 11, Awada, as modified, does not teach providing said e-coupon to the mobile electronic device occurs upon determining said number of pending requests for said e-coupon is greater than or equal to said initial threshold.

However, Pallakoff teaches providing said e-coupon to the mobile electronic device occurs upon determining said number of pending requests for said e-coupon is greater than or equal to said initial threshold (figure 3, element 36).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Awada, as modified, to include providing said e-coupon to the mobile electronic device occurs upon determining said number of pending requests for said e-coupon is greater than or equal to said initial threshold.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Pallakoff by the teaching of Awada, as modified, because including providing that said e-coupon to the mobile electronic device occurs upon determining said number of pending requests for said e-coupon is greater than or equal to said initial threshold would be required for the distribution system to function under the method described regarding claim 9.

As to claim 13, all the limitations of this claim have been taught in the above paragraphs. Applicant is kindly directed to the remarks and discussion made in claims 10.

As to claim 14, Awada, as modified does not teach wherein when the number of pending requests for said e-coupon is less than the optimal threshold as *determined in*

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*step (ix)*, (see 112, 2<sup>nd</sup> paragraph rejection) sending a notification that no e-coupon for the seller will be provided.

However, Pallakof teaches wherein when the number of pending requests for said e-coupon is less than the optimal threshold, sending a notification that no e-coupon for the seller will be provided.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Awada, as modified to include wherein when the number of pending requests for said e-coupon is less than the optimal threshold, sending a notification that no e-coupon for the seller will be provided (figure 3, element 38).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Awada, as modified by the teaching of Pallakof because including wherein when the number of pending requests for said e-coupon is less than the optimal threshold sending a notification that no e-coupon for the seller will be provided would be required to create a system requiring an certain number of aggregated demands for a coupon.

As to claim 15, Awada, as modified, teaches logging said request for the e-coupon from the seller in said user profile and said seller profile (claim 15; "logging said request for the e coupon in said user profile" read on "assigning the electronic coupons to the consumer profiles," and "logging said request for the e coupon in seller profile" is read on "subscribed to by the merchant").



As to claim 17, Awada et al. does not teach wherein said commerce server to determine an initial threshold for said seller to authorize the provision of said e-coupon.

However, Pallakoff teaches wherein said commerce server to determine an initial threshold for said seller to authorize the provision of said e-coupon (figure 3, element 36; "initial threshold" is read on "demand threshold").

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Awada et al. to include wherein said commerce server to determine an initial threshold for said seller to authorize the provision of said e-coupon.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Awada et al. by the teaching of Pallakoff because including wherein said commerce server to determine an initial threshold for said seller to authorize the provision of said e-coupon would be required to create a system requiring an certain number of aggregated demands for a coupon that can ensure profits to both the advertiser and merchant.

As to claim 34, Awada, as modified, does not teach wherein upon determining said number of pending requests is not greater than nor equal to said initial threshold, said commerce server increases the estimated number of redeems in the seller profile (see 112 2<sup>nd</sup> paragraph rejection).

However, Deal teaches wherein upon determining said number of pending requests is not greater than nor equal to said initial threshold, said commerce server increases the estimated number of redeems in the seller profile. (see 112 1<sup>st</sup> rejections) (Two steps: (1) removing the purchase requests sellers with minimum requests (Prior incorporation of Pollokaff: removing the seller that did not meet the break even point is figure 3, element 38) and (2) recalculating the "initial threshold ["estimated break even point"] for existing costumers; All matching vendors remaining will continue with the cycle on figure 3 - applying the adjusted initial thresholds as other venders are removed).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Awada,as modified, to include wherein upon determining said number of pending requests is not greater than nor equal to said initial threshold, said commerce server increases the estimated number of redeems in the seller profile.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Awada,as modified, by the teaching of Deal because including wherein upon determining said number of pending requests is not greater than nor equal to said initial threshold, said commerce server increases the estimated number of redeems in the seller profile would ensure a maximum profit to the coupon distributor while still allowing the sellers to break even.

As to claim 35, Awada, as modified, wherein upon determining said number of pending requests is greater than or equal to said initial threshold (Awada reads on claim 34 if the initial threshold is one, otherwise it would be obvious in view of Pallakoff which provides an "initial threshold" - read on demand threshold), said commerce server: creates a pending coupon record in the seller profile (paragraph 0054); sends said pending coupon record to the seller via the seller instant contact address (paragraph 0054); creates a pending redeem record in the mobile user profile; and sends the pending redeem record to the mobile electronic device (paragraph 8; logging and taking the steps of "Coupons for merchants in the user's vicinity are then sent to the user").

As to claim 36, Awada, as modified, does not teach wherein at the end of a processing cycle, said commerce server further: removes all pending request records from the seller profile; and resets the estimated number of redeems to zero in the seller profile.

However, Pallakoff teaches wherein at the end of a processing cycle, said commerce server further: removes all pending request records from the seller profile; and resets the estimated number of redeems to zero in the seller profile (col. 8, lines 21 and 22; read on both "offer cancelled" and "offer accepted" stages).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Awada, as modified, to include wherein at the end of a processing cycle, said commerce server further: removes all pending request records from the seller profile; and resets the estimated number of redeems to zero in the seller profile.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Awada, as modified, by the teaching of Pallakoff because including wherein at the end of a processing cycle, said commerce server further: removes all pending request records from the seller profile; and resets the estimated number of redeems to zero in the seller profile would be required to clear the system of the current coupon distribution cycle.

As to claim 37, Awada, as modified, teaches wherein said pending coupon record comprises: a serial number; a redeem confirmation number; an e-coupon text description; an issue time; an expire time; a number of mobile users who will receive said e-coupon; an estimated number of redeems; and a number of redeems. (0040; any other features that would normally be found with paper coupons; paragraph 0053 describes specific elements of the coupon)

As to claim 38, Awada, as modified, does not teach wherein the number of mobile users who will receive said e-coupon, the estimated number of redeems, and the number of redeems are used to estimate an effectiveness of distribution of said e-coupon.

However, Deal teaches wherein the number of mobile users who will receive said e-coupon, the estimated number of redeems, and the number of redeems are used to estimate an effectiveness of distribution of said e-coupon (read on elements of the break-even point calculation).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Awada, as modified, to include wherein the number of mobile users who will receive said e-coupon, the estimated number of redeems, and the number of redeems are used to estimate an effectiveness of distribution of said e-coupon.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Awada, as modified, by the teaching of Jack Deal because including wherein the number of mobile users who will receive said e-coupon, the estimated number of redeems, and the number of redeems are used to estimate an effectiveness of distribution of said e-coupon would be required to estimate the break-even point of the coupon distribution system.

As to claim 39, Awada, as modified, teaches wherein said pending redeem record comprises: a serial number (0040; reads on "features of paper coupons"); an e-coupon text description (0052); an issue time (0040; reads on "features of paper coupons"); an expire time (0040; reads on "features of paper coupons"); and a seller identification (0040; reads on "features of paper coupons");

However, Awada, as modified, does not explicitly teach wherein said pending redeem record comprises: a request time.

Pallakoff teaches wherein said pending redeem record comprises: a request time (col 3, line 15-17; "a request time" is read on "appropriately track and/or process purchase requests").

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Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Awada, as modified, to include wherein said pending redeem record comprises: a request time.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Awada, as modified, by the teaching of Pallakoff because including wherein said pending redeem record comprises: a request time would provide a transaction record necessary for reliability in ecommerce systems.

As to claim 40, Awada, as modified, not explicitly teaches wherein the request time in the pending redeem record is equal to the request time in the mobile user pending request record.

Pallakoff teaches wherein the request time in the pending redeem record is equal to the request time in the mobile user pending request record (column 3, lines 15-17; "wherein the request time in the pending redeem record is equal to the request time in the mobile user pending request record" is read on "appropriately track and/or process purchase requests").

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Awada, as modified, to include wherein the request time in the pending redeem record is equal to the request time in the mobile user pending request record.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Awada, as modified, by the teaching of

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Pallakoff because including wherein the request time in the pending redeem record is equal to the request time in the mobile user pending request record would be implied by fact that the event sued to generate these timestamps is the same event.

**Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al. (U.S. Pre-Grant Publication No. 2002/0065713 A1) in view of Pallakoff (U.S. Patent No. 6,269,343 B1) also in view of Deal (<http://www.dealconsulting.com/finance/break.html>) as applied to claim 16 above, and in further view of Morrison et al. (U.S. Pre-Grant Publication No. 2002/0082946).**

As to claim, 19, Awada, as modified, does not *explicitly* teach wherein upon receiving the request for at least one e-coupon from the mobile electronic device, said profile proxy server to send a reply message to the mobile electronic device.

However, Morrison et al. teaches wherein upon receiving the request for at least one e-coupon from the mobile electronic device, said profile proxy server to send a reply message to the mobile electronic device (abstract; "reply message" is read on "confirmation screen"; figure 10).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Awada, as modified, to include wherein upon receiving the request for at least one e-coupon from the mobile electronic

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device, said profile proxy server to send a reply message to the mobile electronic device.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Awada, as modified, by the teaching of Morrison et al. because including wherein upon receiving the request for at least one e-coupon from the mobile electronic device, said profile proxy server to send a reply message to the mobile electronic device would follow the standard implementation of e-commerce sites.

As to claim 20, Awada, as modified, does not teach wherein said reply message comprises a quota of e-coupons and an expected time to receive said e-coupon.

However, Morrison et al. teaches wherein said reply message comprises a quota of e-coupons and an expected time to receive said e-coupon. (figure 9; paragraph 0062; "quota of e-coupons and an expected time to receive" is read on "confirms the submission of bids")

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Awada, as modified, to include a quota of e-coupons and an expected time to receive said e-coupon..

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Awada, as modified, by the teaching of Morrison et al. because including quota of e-coupons and an expected time to receive



said e-coupon would provide the consumer with the standard information that would be present in a confirmation of his request and provide a record of the transaction.

**Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al. (U.S. Pre-Grant Publication No. 2002/0065713 A1) in view of Pallakoff (U.S. Patent No. 6,269,343 B1) also in view of Deal (<http://www.dealconsulting.com/finance/break.html>) as applied to claim 39 above, and in further view of Warner et al. (U.S. Patent No. 5,404,502 A).**

As to claim 41, Awada, as modified, does not teach wherein said commerce server further determines whether said pending redeem record has the request time equal to the mobile user pending request record.

However, Warner et al. teaches wherein said commerce server further determines whether said pending redeem record has the request time equal to the mobile user pending request record (abstract; “determines whether said pending redeem record has the request time equal to the mobile user pending request record” is read on “error detection”).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Awada, as modified, to include wherein said commerce server further determines whether said pending redeem record has the request time equal to the mobile user pending request record.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Awada, as modified, by the teaching of Warner et al. because including wherein said commerce server further determines whether said pending redeem record has the request time equal to the mobile user pending request record would allow the coupon distribution system to verify integrity errors and reverse the faulty transactions (abstract).

As to claim 42, Awada, as modified, does not teach wherein upon determining said pending redeem record does not have the request time equal to the mobile user pending request record: said quota of c coupons is increased by one in the mobile user profile; and said commerce server removes the pending request record from the mobile user profile.

However, Warner teaches wherein upon determining said pending redeem record does not have the request time equal to the mobile user pending request record: said quota of c coupons is increased by one in the mobile user profile; and said commerce server removes the pending request record from the mobile user profile.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Awada, as modified, to include wherein upon determining said pending redeem record does not have the request time equal to the mobile user pending request record: said quota of c coupons is increased by one in the mobile user profile; and said commerce server removes the pending request record from the mobile user profile.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Awada, as modified, by the teaching of Warner et al. because including wherein upon determining said pending redeem record does not have the request time equal to the mobile user pending request record: said quota of c coupons is increased by one in the mobile user profile; and said commerce server removes the pending request record from the mobile user profile would the coupon distribution system to verify integrity errors and reverse the faulty transactions (see abstract).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nerrie M. Zohn whose telephone number is (571) 272-7971. The examiner can normally be reached on Monday - Friday 8:00 - 4:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272-4082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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